

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4391 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ASHOKBHAI C. PATEL

Versus

SPL. RECOVERY OFFICER

Appearance:

MR DAXESH T DAVE for Petitioner
MR PREMAL JOSHI, AGP, for Respondent No. 1 & 2
MR SHIRISH JOSHI for Respondent No. 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 24/11/2000

ORAL JUDGEMENT

When this petition is called out for hearing,
since the only direction which has been sought is that
the respondents nos.1 and 2 while effecting the recovery

of the dues of the cooperative society shall consider the amount paid by the petitioner. The learned AGP appearing for the respondents nos.1 and 2 says that if the amount is actually paid by the petitioner towards the dues which were payable by the society, then, obviously, these authorities will consider the nature of the amounts so paid by the petitioner. The petitioner, therefore, will submit proof of the amounts paid by him and the nature of such payment before the respondents nos.1 and 2 and the respondents nos.1 and 2 shall after taking into account the nature of such payments decide whether they are required to be adjusted towards the recovery of the dues which were payable under the law by the debtor.

2 In view of this arrangement, no orders are required to be made in this petition. Rule is discharged with no order as to costs. Ad interim relief stands vacated.

(mohd)